

REMARKS

Applicant has reviewed the Office Action dated September 17, 2003. Claims 1, 15 and 17 were amended, claims 30-44 were withdrawn from consideration by the Examiner, and claims 45 and 46 were added; as a result, claims 1-6, 13-20, 30-46 are now pending in this application.

Objection to the Claims

In the Office Action, claims 1 – 6, 13 and 14 were objected to due to an informality. Claim 1 was amended as suggested in the Office Action to clarify the subject matter. Accordingly, Applicant respectfully requests withdrawal of this basis of objection to claims 1-6, 13 and 14.

§112 Rejection of the Claims

In the Office Action, claims 15 – 20 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 15 and 17 were amended to better recite the subject matter. Accordingly, Applicant respectfully requests withdrawal of this basis of rejection of claims 15 and 17, and reconsideration and allowance of claims 15-20.

§102 Rejection of the Claims

In the Office Action, claims 1, 14 and 15 were rejected under 35 USC § 102(b) as being anticipated by Mann et al. (U.S. Patent No. 5,891,178, “Mann”), and the claims were rejected under 35 USC § 102(b) as being anticipated by Snell (U.S. Patent No. 5,716,382, “Snell”). Claims 1 and 15 were amended to better describe the recited subject matter. Insofar as the rejections are applied to claims 1 and 15, Applicant respectfully traverses the rejections.

Applicant is unable to find in Mann or Snell, among other things, selecting among ventricular pacing sites in which to provide pacing pulses from the one or more algorithms using the first data value, as recited in claim 1. Neither can Applicant find, control circuitry for using the first data value to select among ventricular pacing sites in which to provide pacing pulses, as recited in claim 15.

Also, claim 14 depends on claim 1 and is believed to be allowable at least for the reasons stated previously for claim 1.

Applicant respectfully requests reconsideration and allowance of claims 1, 14 and 15.

§103 Rejection of the Claims

In the Office Action, claims 2, 3, 13 and 16 were rejected under 35 USC § 103(a) as being unpatentable over Mann et al. (U.S. Patent No. 5,891,178) or Snell (U.S. Patent No. 5,716,382).

Applicant respectfully traverses the rejection. Claims 2, 3 and 13 depend on claim 1 and is believed to be allowable at least for the reasons stated previously for claim 1. Claim 16 depends on claim 15 and is believed to be allowable at least for the reasons stated previously for claim 15. Applicant respectfully requests reconsideration and allowance of claims 2, 3, 13 and 16.

New Claims

New claims 45 and 46 incorporate subject matter found generally within the specification. (*See, e.g.,* page 9 lines 7-10 of the specification.)

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 373-6912) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

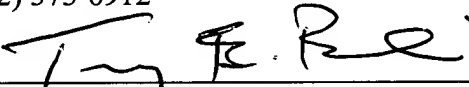
Respectfully submitted,

PAR LINDH ET AL.

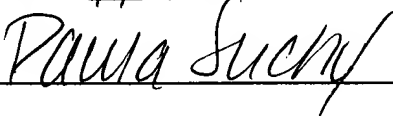
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6912

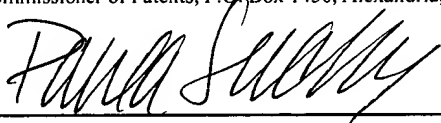
Date Dec. 17, 2003

By 
Timothy E. Bianchi
Reg. No. 39,610

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17 day of December, 2003.



Name



Signature